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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
The Use of N11 Codes and Other)	CC Docket No. 92-105
Abbreviated Dialing Arrangements)	
)	
North American Marketing Council)	
Recommendation Concerning)	NSD File No. L-98-139
Abbreviated Dialing Arrangements)	

BELLSOUTH REPLY COMMENTS

BellSouth Corporation, on behalf of its affiliated companies ("BellSouth"), hereby responds to comments previously submitted by others with respect to the North American Numbering Council's recent Abbreviated Dialing Report.¹

The overwhelming majority of commenting parties endorsed the NANC Report and supported its acceptance by the Commission.² The only dissenting commentary continued to be heard only from the two participants³ whose individual views were and are at odds with the industry consensus developed through the NANC Working Group and embodied in the NANC Report. The majority of comments confirm, however, that the NANC process was fair and that the consensus resolution was reasonable and appropriate. The minority views should be dismissed for what they are -- minority views out of step with industry consensus.

¹ "Report and Recommendations of the Abbreviated Dialing Ad Hoc Working Group to the North American Numbering Council (NANC) Regarding Abbreviated Dialing Arrangements" (adopted by NANC Sept. 23, 1998; filed with the Common Carrier Bureau Sept. 29, 1998) ("NANC Report" or "Report"); see Public Notice, DA 98-2541 (rel. Dec. 14, 1998) (Bureau solicits comment on the Report).

² AT&T, BellSouth, Bell Atlantic, Communications Venture Services (CVS), National Emergency Number Assoc. (NENA), Primeco Personal Communications (PrimeCo), SBC Communications (SBC), USTA.

³ Low Tech Designs, Inc. (Low Tech); MCI/WorldCom (MCI).

I. Assertions That The NANC Report is Contrary to the Commission's *Abbreviated Dialing Order* Are Erroneous.

The minority commenters wrongly assert that the Report's conclusion regarding any need for a nationally administered, uniform, multinet network abbreviated dialing scheme conflicts with the Commission's *Abbreviated Dialing Order*.⁴ The supporting comments make clear that the Report's finding is wholly consistent with that *Order* and that it is the minority commenters themselves who have ignored the plain language of that *Order*. MCI's and Low Tech's myopic readings of the *Abbreviated Dialing Order* are not sustainable and must be rejected.

In the course of its analysis, the NANC Working Group concluded that "there appears to be little, if any, demonstrated need for additional nationally administered abbreviated dialing arrangements at this time."⁵ Low Tech and MCI take issue with this assessment, arguing that it is inconsistent with the Commission's own prior observation of "considerable interest" in, and "many useful purposes" of, abbreviated dialing codes.⁶ The Commission's general observations, however, fall well short of any finding of public interest "need" for national assignment, development, or reservation of abbreviated dialing arrangements beyond those specifically recognized in the *Abbreviated Dialing Order*. Thus, the NANC Report's conclusion did not represent a departure from any Commission finding.

Moreover, even to the extent the Commission's observations of interest and utility may have had certain support in the record of the *Abbreviated Dialing Order*, much of that interest seems to have waned. As several commenting parties noted, the Working Group was an open participatory process, yet participation by potential users of abbreviated dialing codes was

⁴ *Use of N11 Codes and Other Abbreviated Dialing Arrangements*, 12 FCC Rcd 5572 (1997).

⁵ NANC Report at 3, 18.

⁶ Low Tech at 1, 3 (quoting *Abbreviated Dialing Order*, 12 FCC Rcd at 5608; MCI at 4.

minimal. Moreover, as USTA points out, the Working Group consistently kept NANC abreast of its progress and “repeatedly” reported a desire to have more participation from interested industry participants, but to no avail. Thus, rather than any showing of “considerable interest ... [for] many useful purposes,” the Working Group was presented only with generalized statements and vague proposals for nationwide abbreviated dialing schemes. As USTA points out, the proponents of such schemes were either unable or unwilling to describe the potential abbreviated dialing services or applications.⁷

Additionally, this overt lack of “considerable interest” in abbreviated dialing schemes that manifested itself in the Working Group process is replicated in the instant proceeding. Only two parties other than those that participated in the Working Group have shown interest in this proceeding, and both of them supported the conclusions of the Report.⁸ Such a level of interest is plainly an insufficient basis for the Bureau to reject the NANC Report.

Lack of broad interest in a nationwide abbreviated dialing scheme is also consistent with BellSouth’s market experience with its intranetwork abbreviated dialing service. Contrary to the assertions of MCI and Low Tech, BellSouth’s experience with its N11 service supports the Report’s conclusion of “little, if any, demonstrated need for nationally administered abbreviated dialing arrangements,” rather than undermines it. BellSouth is the *only* local exchange carrier with a widely available N11 abbreviated dialing offering. However, while 673 N11 codes are available in the 126 local calling areas within the five states in which BellSouth’s N11 service is tariffed, only 36 information service providers subscribe to the service. With this “fill rate” of only five percent in spite of the rancorous support in both state and federal regulatory

⁷ USTA at 11.

⁸ See, Comments of NENA and CVS.

proceedings for such an offering to be *obligatory*, the Commission should be especially circumspect not to mistake “interest” and “useful purposes” for actual need or demand.⁹

Indeed, the present lack of interest and the Working Group’s conclusions drawn from it validate the Commission’s own specific conclusion, which MCI and Low Tech conveniently overlooked. That is, *in spite* of the “considerable interest” and *in spite* of the “many useful purposes” the Commission observed with respect to abbreviated dialing arrangements, the Commission expressly concluded that it was “unable to find that the public interest support[ed] national reservation ... of any alternative dialing arrangements for any purpose.”¹⁰ As AT&T observed, “Neither MCI’s nor Low Tech’s Minority Reports have satisfactorily explained what additional public interest considerations have arisen in the past year that would warrant reexamination of that decision.”¹¹ MCI’s and Low Tech’s respective comments suffer the same

⁹ BellSouth disagrees that it is “hypocritical,” Low Tech at 3, to be the only offeror of such a service in spite of its overall lack of demand, while urging against regulatory mandates for *additional* development of abbreviated dialing arrangements in the absence of any supporting evidence of demand. “Rational” and “practical” seem to be more apt modifiers. Indeed, “hypocritical” might be more appropriately reserved for Low Tech itself. For example, Low Tech makes much in this proceeding of its claim that a leading or trailing “#” cannot be part of an abbreviated dialing arrangement because the Commission has defined abbreviated dialing arrangements to be “telephone numbers” of less than seven digits and, because the “#” sign is not a “number,” it cannot be part of a “telephone number.” Low Tech at 2; NANC Report at 21-22 (App. B-Low Tech’s Minority Report and Recommendations.) Low Tech took just the *opposite* view, however, in proceedings before the Georgia Public Service Commission. Georgia Public Service Commission Docket No. 7270-U, Direct Testimony of Low Tech Designs, Inc., at 3 (“The FCC has recently declared that N11, *XX, and XX# codes, or abbreviated dialing arrangements, are, in fact, ‘telephone numbers’.” (citations omitted)). Low Tech could similarly be characterized as hypocritical for its feigned concern about some users’ inability to dial abbreviated codes from rotary phones, while concurrently urging a mandatory AIN-based abbreviated dialing solution even though customers of carriers that have not deployed AIN would be denied such dialing capability. See AT&T at 8 (“[B]asing ADAs on AIN capability would preclude participation by carriers that are not currently capable of implementing AIN platforms.”) In any event, there is nothing hypocritical about BellSouth’s offering of an intranetwork N11 service concurrent with its support for the NANC Report.

¹⁰ *Abbreviated Dialing Order*, 12 FCC Rcd at 5608.

¹¹ AT&T at 4.

deficiency. Accordingly, their assertions that the Report's conclusion are at odds with the Commission's own conclusions are erroneous and must be rejected.

II. Claims of Undue Process Are Fallacious.

MCI and Low Tech reasserted in their comments their errant claims that the Working Group process was unfair. Comments of other parties show just the opposite. The Commission should reject MCI's and Low Tech's procedural claims.

MCI reiterates its prior assertions that the Working Group was "dominated" by ILECs and wireless carriers.¹² Low Tech complains of the "attitude" of those not sharing its views¹³ and purports to "personally attest" to what was in the minds of other participants in the Working Group process.¹⁴ These complaints are without merit.

MCI's continuing complaints concerning disproportionate representation and ILEC dominance in industry activities are particularly tiresome. MCI lodges such complaints whenever its preferred position does not prevail, no matter where industry consensus is reached - be it through ATIS-sponsored industry fora, at NANC or its Working Groups or committees, or at other industry bodies. MCI's continuing complaints should be taken for what they are -- sour grapes attempts to discredit the good faith efforts and consensus recommendations developed through industry processes.

Several commenters explain to the contrary that the Working Group process was conducted in good faith and with the opportunity for any interested entity to participate and be heard. As noted above, the Working Group even actively solicited additional participation.

¹² MCI at 3.

¹³ Low Tech at 7.

¹⁴ *Id.* at 1.

AT&T -- an interexchange carrier -- was satisfied that the Working Group was made up of “representatives from all of the major segments of the industry” and produced a Report that was “well-researched and balanced.”¹⁵

MCI’s complaints regarding vendor participation are also not compelling. Vendor input was actively solicited through survey questionnaires to multiple manufacturers. The manufacturers responded to these surveys and their input was incorporated in the Working Group’s analysis. In addition, three major switch manufacturers were active participants in the discussions at the Working Group’s last face-to-face meeting. These vendors, all of whom had responded to the survey questionnaire, provided additional input regarding several key issues, including switching system and signaling protocol impacts associated with internetwork abbreviated dialing arrangements and implementation timeframes. This vendor input was duly considered and included in the Working Group’s report. To the extent MCI chooses to characterize this effort to incorporate vendor input as only “half-hearted,”¹⁶ MCI should look inward. As a co-chair of the Working Group, MCI had both the responsibility and the opportunity to pursue additional contacts or input if it deemed extant input to be insufficient.

Finally, MCI’s accusations of foot-dragging by the Working Group are similarly without merit. The Commission directed NANC in February 1997 to explore how rapidly abbreviated dialing arrangements could be deployed and to report back to the Commission on this issue. The full NANC, of which MCI is an active member, took no action to start investigation of abbreviated dialing until the NANC Ad Hoc Abbreviated Dialing Working Group was formed as a result of action taken on a February 9, 1998, NANC conference call. As a NANC member,

¹⁵ AT&T at 2.

¹⁶ MCI at 6.

MCI was free to push for accelerated handling of the Commission's charge relative to abbreviated dialing arrangements, but it did not do so. Absent such a push, NANC waited to begin investigating abbreviated dialing arrangements presumably because there were many other numbering matters of greater importance.

The first event associated with the Abbreviated Dialing Working Group was a conference call held on March 17, 1998. The Working Group's Report was presented to NANC on September 15, 1998, almost exactly 6 months after the first meeting of the Working Group. The Report was delayed, at least somewhat, to ensure that vendor input was included. The Working Group worked diligently to complete its Report as rapidly as possible with the multitude of issues and varying opinions that had to be addressed. MCI's allegations of foot-dragging are an insult to those Working Group participants who devoted their time and energy to completing in timely fashion a comprehensive report that addressed the Commission's charge to NANC.

III. The Substantive Conclusions of the NANC Report are Reasonable and Appropriate.

Except for MCI and Low Tech, all commenting parties endorsed the Report's conclusions with respect to abbreviated dialing formats. The Report's conclusions are reasonable and appropriate, and the minority parties have offered no reason, other than their own disagreement, for the Commission not to accept those conclusions.

The NANC Report concluded that if a national abbreviated dialing format were to be adopted in spite of the lack of need for one, the format should utilize a leading or trailing "#." The Report reasonably determined that a leading or trailing "#" would be least disruptive of existing uses of that symbol and less likely to create customer confusion. In contrast, the leading

“*” format advocated by Low Tech garnered no support, primarily out of concern over confusion as a result of the “*” symbol’s pre-established (VSC) use as part of a vertical service code.¹⁷

Contrary to MCI’s claims, the Report does not recommend that “abbreviated dialing only be used for information services,” nor does the Report inappropriately seek to limit the uses of abbreviated dialing arrangements.¹⁸ Rather, the Report suggests that “potential applications for abbreviated dialing formats largely appear associated with the commercial purposes or needs of information service providers”¹⁹ and further indicates the Working Group’s belief that information service providers would generate the largest demand for abbreviated dialing resources. These were reasonable assumptions by the Working Group based on current or known uses of abbreviated dialing codes. The Report contains no recommendation that abbreviated dialing be used only for information services, nor did the working group ever limit its discussion only to information services.

Moreover, the recommendation that any abbreviated dialing resource not be used for POTS or carrier access is a reasonable accommodation of the concern over resource exhaustion in the absence of such a limitation. This recommendation also does not conflict with the Report’s and the Commission’s findings with respect to lack of need for abbreviated dialing. Rather, the recommendation merely reflects the reality that, absent some restriction, the limited number of available abbreviated dialing codes under *any* format would exhaust rapidly in this era

¹⁷ As PrimeCo notes, the fact that *XX is utilized in some wireless networks for *intranetwork* abbreviated dialing provides no basis for finding that a leading “*” would be appropriate for all networks. Indeed, PrimeCo confirms that the wireless industry would prefer that the “*” code be utilized only for VSC purposes, although that is not always a real world practicality. PrimeCo at 4.

¹⁸ MCI at 6-7.

¹⁹ NANC Report at 7.

in which numbering formats are *expanding* (from 7- to 10-digit dialing) just to keep up with the growth of POTS users.

MCI's criticism of the Report's rejection of N11 codes as a recommended abbreviated dialing solution is perplexing at best.²⁰ The Report concluded that if N11 codes were adopted as a national abbreviated dialing format in spite of the Report's recommendation against it, N11 resources should be shared through a "service gateway" because of their extreme scarcity. MCI's (deliberate?) misreading of this observation as an endorsement of that result provides MCI no stable ground from which to launch its attack on existing N11 uses. MCI's resultant diatribe has no bearing on the NANC Report and should be dismissed.

Finally, Low Tech's commentary regarding its relationship with BellSouth in Low Tech's pursuit of a *XX dialing arrangement merely reflects the nature of ongoing proceedings before the Georgia Public Service Commission. There, Low Tech has asked the GPSC to award Low Tech shared use of an N11 code already assigned to a third party or to compel BellSouth to develop a capability that does not exist. BellSouth has spent countless hours with Low Tech in an attempt to provide different methods by which Low Tech might offer its service application, despite having received no financial compensation or commitment of future compensation from Low Tech. Unfortunately, Low Tech has rejected each of the proposed methods and has insisted on a method that is not presently feasible except on a presubscribed basis. This Commission, however, should not let Low Tech's individual pursuit of a specialized dialing arrangements for its own use before the Georgia PSC undermine the industry's consensus view of the inappropriateness of *XX as a national abbreviated dialing scheme.

²⁰ MCI at 8-9.

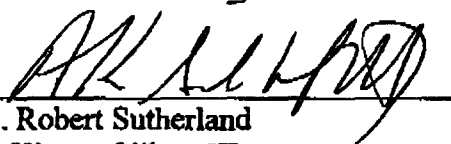
CONCLUSION

The Commission should recognize that the overwhelming majority of commenting parties endorsed the NANC Report and supported its acceptance by the Commission. The two minority opinions should be dismissed as minority views out of step with industry consensus. MCI's request for yet another rulemaking proceeding for development of national abbreviated dialing guidelines and implementation rules should be rejected. No reason exists to require the industry to spend additional time and resources to investigate nationally administered abbreviated dialing arrangements yet again. As USTA correctly points out, the industry has more important numbering issues to address and should not use its limited resources to develop national abbreviated dialing guidelines simply because of two dissenting views among all those who have participated in or commented on the Working Group's Report.²¹

For the reasons set forth herein and in its Comments, BellSouth urges the Commission to accept and adopt the NANC Abbreviated Dialing Report. This would send a clear message that no more time and industry resources need be expended to develop national abbreviated dialing guidelines that the industry has determined are not needed at this time.

Respectfully submitted,
BELLSOUTH CORPORATION

By:

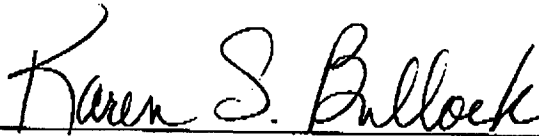

M. Robert Sutherland
A. Kirven Gilbert III
Its Attorneys
1155 Peachtree Street, N.E.
Suite 1700
Atlanta, Georgia 30309
(404) 249-3388

Date: January 27, 1999

²¹ USTA at 4, 13.

CERTIFICATE OF SERVICE

I, Karen S. Bullock, do hereby certify that I have this 27th day of January, 1999, served all parties to this action with the foregoing BELLSOUTH REPLY COMMENTS, by hand delivery or by placing a true and correct copy of the same in the United States Mail, postage prepaid addressed to the parties as set forth on the attached service list.


Karen S. Bullock

* Indicates hand delivery

**Service List CC Docket No. 92-105
NSD File No. L-98-139**

Al McCloud*
Network Services Division
Common Carrier Bureau
Federal Communications Commission
Suite 235
2000 M Street, N.W.
Washington, D.C. 20554

Magalie Roman Salas*
Secretary
Federal Communications Commission
Room 222 - Stop Code 1170
1919 M Street, NW
Washington, D.C. 20554

ITS, Inc.*
Room 246
1919 M Street
Washington, D.C. 20554

Anne F. La Lena
MCI WorldCom, Inc.
1801 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Glenn B. Manishin
Christy C. Kunin
Blumenfeld & Cohen-Technology Law Group
Counsel for MCI WorldCom, Inc.
1615 M Street, N.W., Suite 700
Washington, D.C. 20036

William L. Roughton, Jr.
Associate General Counsel
PrimeCo Personal Communications, L.P.
601 13th Street, N.W., Suite 320 South
Washington, D.C. 20005

Howard J. Symons
Sara F. Seidman
Carlos A. Gutierrez
Mintz, Levin, Cohn, Ferris, Glovsky
and Popeo, P.C.
Attorneys for AT&T Corp.
701 Pennsylvania Ave., N.W.
Suite 900
Washington, D.C. 20004

Mark C. Rosenblum
Roy E. Hoffinger
James H. Bolin, Jr.
AT&T Corp.
Room 3247H3
295 North Maple Avenue
Basking Ridge, NJ 07920

Douglas I. Brandon
AT&T Wireless Services, Inc.
1150 Connecticut Ave., N.W.
Washington, D.C. 20036

James M. Tennant
President
Low Tech Designs, Inc.
1204 Saville St.
Georgetown, SC 29440

**Service List CC Docket No. 92-105
NSD File No. L-98-139**

Michael E. Glover
John M. Goodman
Attorney for the Bell Atlantic Telephone Companies
1300 I Street, N.W.
Washington, D.C. 20005

Richard C. Bartel
Communications Venture Services, Inc.
5530 Wisconsin Ave., Suite 703-705
P.O. Box 70805
Chevy Chase, MD 20813-0805

James R. Hobson
Donelan, Cleary, Wood & Maser, P.C.
Attorneys for NENA, APCO and NASNA
1100 New York Avenue, N.W.
Suite 750
Washington, D.C. 20005-3934

Robert M. Gurss
Wilkes Artis Hedrick & Lane, Chartered
Attorneys for NENA, APCO and NASNA
1666 K Street, N.W., Suite 1100
Washington, D.C. 20006-2897

Robert M. Lynch
Roger K. Toppins
John S. di Bene
Attorneys for SBC Communications, Inc.
One Bell Plaza, Room 3022
Dallas, Texas 75202

Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
John W. Hunter
United States Telephone Association
1401 H Street, N.W., Suite 600
Washington, D.C. 20005

Jeannie Grimes*
Network Services Division
Common Carrier Bureau
Federal Communications Commission
Suite 235
2000 M Street, N.W.
Washington, D.C. 20554